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Office of The Attorney General
Environmental Enforcement Section
1275 West Washington Street
Phoenix, Arizona 85007-2926



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AZ CORP COMMISSION
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INTEROFFICE MEMORANDUM

TO: Docket Control
Arizona Corporation Commission

FROM: Laurie A. Woodall
Chairman, Line Siting Committee

DATE: October 26, 2001

RE: La Paz Generating Facility, Docket No. 116

LAU (M)

Please file this correspondence recently received from Arizona State Parks in the above-referenced docket. We are providing an additional 25 copies.

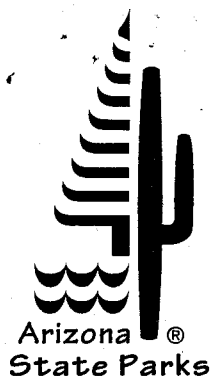
Arizona Corporation Commission

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OCT 26 2001

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October 22, 2001

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FAXED
10/22/01
to GR

In reply, please refer to
SHPO-2001-2191 (7549)
adverse effect

Laurie A. Woodall, Chairperson, Power Plant and Transmission Line Siting Committee
Assistant Attorney General, Environmental Enforcement Section
Office of the Attorney General
1275 West Washington
Phoenix, Arizona 85007

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Arizona State Parks
1300 W. Washington
Phoenix, AZ 85007

Tel & TTY: 602.542.4174
www.pr.state.az.us

800.285.3703
from (520) area code

General Fax:
602.542.4180

Director's Office Fax:
602.542.4188

RE: Certificate of Environmental Compatibility: The Proposed La Paz Generating Facility and Transmission Line, La Paz County, Arizona

Dear Ms. Woodall:

Thank you for having the committee's applicant (i.e., Allegheny Energy) continue to consult with this office regarding the above-mentioned state plan and associated certificate of environmental compatibility. The proposed construction plan includes a generation station, underground pipeline, transmission line, and a switchyard facility on private land and portions of Arizona State Land Department land. I have reviewed the documents submitted and offer the following comments pursuant to the State Historic Preservation Act (i.e., A.R.S. § 41-861 to 41-864) and the committee's factors to be considered (i.e., A.R.S. § 40-360.06.A.5).

As previously discussed, two historic properties were identified within the geographic area affected by the plan. Both are prehistoric archaeological sites (i.e., AZ S:7:48 and 49 ASM), and we agreed that they are eligible for inclusion in the State Register of Historic Places under Criterion D (Information Potential).

Based on the additional information submitted, a possibility exists that one or both of the archaeological sites and a suitable buffer zone may be avoided by and protected from plan-related ground-disturbing activities. If the avoidance option is implemented for both sites, a determination of no impacts (c.f., no adverse effect) would be warranted. If the avoidance option is not feasible or not chosen for one or both of the sites, then a finding of negative impacts (c.f., adverse effect) would be warranted; archaeological data recovery within the affected portion of the site or sites would be needed in this case.

We reiterate the conditions mentioned in our August 14, 2001 letter for the committee's consideration:

- 1) If Sites AZ S:7:48 and 49 (ASM) cannot be avoided by plan-related ground-disturbing activities, the applicant will continue to consult with this office, on the committee's behalf, to resolve the negative impacts. This usually entails preparing and implementing a data recovery research design and work plan.
- 2) If a federal agency determines that all or part of this state plan represents a federal undertaking subject to review under the National Historic Preservation Act, the applicant will participate as a consulting party, on committee's behalf, in the federal compliance

process (i.e., 36 C.F.R. 800) to reach a finding of effect and to resolve adverse effects, if any.

3) Should cultural features and/or deposits be encountered during ground-disturbing activities related to the proposed plan, the applicant will comply with A.R.S. § 41-844, which requires that work cease in the immediate area of the discovery and that the Director of the Arizona State Museum be notified promptly.

Should this project proceed, we look forward to receiving from the applicant, a letter describing the proposed avoidance and protection measures or a data recovery work plan, as appropriate. We appreciate the committee's cooperation with this office in considering the effects of state plans on cultural resources situated in Arizona. If you have any questions or concerns, please contact me at (602) 542-7137 or electronically via mbilsbarrow@pr.state.az.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew H. Bilbarrow", with a long horizontal flourish extending to the right.

Matthew H. Bilbarrow, RPA
Compliance Specialist/ Archaeologist
State Historic Preservation Office

cc.

Gene Rogge, URS Corporation, 7720 North 16th St, Suite 100, Phoenix, AZ 85020